

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND
COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419-RWZ

THIS DOCUMENT RELATES TO

HENLEY v. UNIFIRST CORPORATION,
ET AL.; CIVIL ACTION
NO. 1:14-cv-10373-RWZ

**PLAINTIFF'S RESPONSE TO DOC. 3527 ORDER REQUIRING IDENTIFICATION
OF CASES TO BE DISMISSED**

TO THE HONORABLE COURT:

1. Plaintiff files this Response to Doc. 3527 in Case 1:13-md-02419-RWZ [Order Requiring Identification of Cases Needing to Be Dismissed] and Doc. 22 in Case 1:14-cv-10373-RWZ [Defendants Ghermay and Dallas Back Pain Management's Response to Order Requiring Identification of Cases Needing to Be Dismissed].
2. For the reasons stated below, Plaintiff objects to dismissal of this case and requests remand to the US District Court for the Northern District of Texas.
3. Plaintiff filed this lawsuit as Case 3:13-cv-04949-P in the US District Court for the Northern District of Texas. It was subsequently transferred into MDL No. 13-02419-RWZ. On February 12, 2014 a Conditional Transfer Order was entered as Doc. 374 in MDL 2419 transferring the case to be included as a Tag-Along-Action in the MDL.
4. On August 25, 2016 a Suggestion of Remand or Transfer was entered in MDL No. 13-

02419-RWZ, which included the instant case.

5. On September 9, 2016 a Conditional Remand Order was entered in MDL 2419 [Doc. 70] that included the instant case as well as instructions for designating the contents of the record to be remanded to the originating court.
6. On November 21, 2016 Plaintiff filed her Designation of Contents of Record to be Remanded [Doc. 21 in Case 1:14-cv-10373-RWZ].
7. The instant case has yet to be remanded to the US District Court for the Northern District of Texas.
8. Plaintiff objects to the dismissal of this case and requests that the case be remanded back to the US District Court for the Northern District of Texas for further proceedings.

Respectfully submitted,

THE GIRARDS LAW FIRM

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2018 I electronically filed the foregoing document with the Clerk of the Court using the Court's Electronic Filing System which will send notification of such filing to all registered participants.

/s/ James E. Girards

James E. Girards